

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ORLANDO LEWAYNE PILCHER,

Petitioner,

v.

U.S. FEDERAL COURT, GREENVILLE, MS,
ALLEN PEPPER JR. & ADMINISTRATION,
RICKY BANKS, "Town Sheriff,"
DEWAYNE SMITH, DAVID SANDERS
and STEPHEN P. NICKS,

Respondents.

ORDER

09-cv-627-slc

Petitioner, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, has filed a pleading styled as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. He has not paid the \$5 filing fee or submitted a certified copy of his six-month trust fund account statement. Therefore, I construe his petition to include a request for leave to proceed *in forma pauperis*. In another lawsuit in this court, *Pilcher v. Holinka*, 09-cv-490-slc, petitioner submitted a trust fund account statement covering approximately this six-month period. From this statement, it appears that petitioner presently has the means to pay an initial partial payment of \$3.00 towards the \$5 fee for filing this action. As soon as petitioner submits the required amount, the court will take under advisement his petition for a writ of habeas corpus for a determination whether it is appropriate to issue an order directing respondent to show cause why petitioner's petition should not be granted. Petitioner should show a copy

of this order to prison officials so that they are aware they should send the \$3.00 payment to this court.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed *in forma pauperis* in this case is GRANTED, on the condition that petitioner submit a check or money order made payable to the clerk of court in the amount of \$3.00 on or before November 6, 2009. If, by November 6, 2009, petitioner fails to pay the partial fee he has been ordered to submit, then the clerk of court is directed to close this file for petitioner's failure to prosecute.

Entered this 16th day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge